

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DAVID LEE BOWERS,	:	
	:	
Petitioner,	:	
	:	Case No. 3:04cv00071
vs.	:	
	:	District Judge Walter Herbert Rice
ANTHONY J. BRIGANO, Warden,	:	Magistrate Judge Sharon L. Ovington
Lebanon Correctional Institution,	:	
	:	
Respondent.	:	
	:	

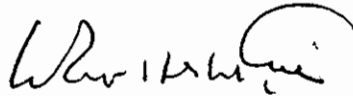
DECISION AND ENTRY ADOPTING IN FULL REPORT AND RECOMMENDATIONS FILED ON AUGUST 11, 2005 (Doc. #15); GRANTING RESPONDENT'S MOTION TO DISMISS (Doc. #11); DENYING AND DISMISSING DAVID LEE BOWERS' PETITION FOR A WRIT OF HABEAS CORPUS; DENYING A CERTIFICATE OF APPEALABILITY UNDER 28 U.S.C. §2253(c); AND TERMINATING THE CASE ON THE DOCKET OF THIS COURT

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #15), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts in full said Report and Recommendations.

It is therefore **ORDERED** that:

1. The Report and Recommendations filed on August 11, 2005 (Doc. #15) is **ADOPTED** in full;
2. Respondent's Motion to Dismiss (Doc. #11) is **GRANTED**;

3. David Lee Bowers' Petition for a Writ of Habeas Corpus is **DENIED** and **DISMISSED**;
4. A certificate of appealability under 28 U.S.C. §2253(c) is **DENIED**; and
5. This case is terminated on the docket of this Court.

A handwritten signature in black ink, appearing to read 'Walter Herbert Rice', is written above a horizontal line.

Walter Herbert Rice
United States District Judge